

FOR INFORMATION  
DA-2004-30  
August 5, 2004

SUBJECT: *Phytophthora ramorum* (sudden oak death, ramorum blight, ramorum die-back): Revision of Associated Articles (nursery stock)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

On February 14, 2002, APHIS published an interim rule in the Federal Register for *Phytophthora ramorum* (7 CFR 301.92). This rule restricts the movement of certain restricted and regulated articles to prevent the artificial spread interstate of this disease-causing organism from areas where the disease is established. We have now learned that certain plants require regulating in order to control the artificial spread of this disease. The purpose of this is to provide notification that APHIS is listing four species and de-listed one species as associated articles.

In 2002, a researcher in Poland announced that *P. ramorum* had been identified from *Vaccinium vitis-idaea* (lingonberry). After our inquiry, the Plant Protection and Seed Service of Poland recently reported to us that they were unable to validate the report and so they and we consider this report to be unenforceable. Therefore we are immediately de-listing lingonberry as an associated article. Also reported was an officially confirmed find of a new plant associated with *P. ramorum*, *Calluna vulgaris* - heath (a small woody plant in the Ericaceae).

In July 2004, we received notification from the Department of Environment, Forestry, and Rural Affairs that they had officially determined that they have found three new plants associated with *P. ramorum*. These are: *Drimys winteri* - Winter's bark (a small tree in the Winteraceae), *Laurus nobilis* - Bay Laurel (a small tree in the Lauraceae), and *Salix caprea* - Kilmarnock willow (a fast growing small tree in the Salicaceae).

**Therefore, effective immediately, the following are associated regulated articles which will be listed under 7 CFR 301.92 and in PPQ orders restricting the movement of nursery stock to prevent the spread of *P. ramorum*:**

- *Calluna vulgaris* - Heath (Ericaceae)
- *Drimys winteri* - Winter's bark (Winteraceae)
- *Laurus nobilis* - Bay Laurel (Lauraceae)
- *Salix caprea* - Kilmarnock willow (Salicaceae)

This action is authorized under the Plant Protection Act, as amended, Section 412(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article, if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

This action is also authorized by 7 CFR 301.92-2(b)(2) which designates as restricted articles any other product or article that an inspector determines to present a risk of spreading *P. ramorum*. This designation requires the inspector to notify the person in possession of the product or article that it is an associated article.

In accordance with the provisions of the Administrative Procedures Act, this action will be published as a regulatory update in the Federal Register for public comment.

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